

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<b>WALTER JAMAR AVERY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:05-cv-631-MEF-CSC</b>
	)	
<b>LEE COUNTY DETENTION</b>	)	
<b>FACILITY, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT**

COME NOW Jay Jones, Sheriff of Lee County, Alabama, and Major Cary Torbert, Jr., Defendants in the above-styled cause and answers the Plaintiff's Complaint as follows:

**Answer**

The Defendants in this action deny each and every allegation made by the Plaintiff, Walter Jamar Avery, and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

**Affirmative Defenses**

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.
3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.
4. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

Respectfully submitted this 5th day of October, 2005.

**s/Kelly Gallops Davidson**

KELLY GALLOPS DAVIDSON Bar No. DAV123

Attorney for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 5th day of October, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Walter Jamar Avery

AIS# 184038

Lee County Detention Center

P.O. Box 2407

Opelika, AL 36801-2407

**s/Kelly Gallops Davidson**

OF COUNSEL